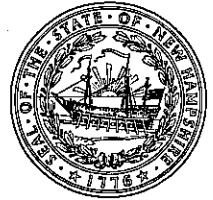




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

February 17, 2009

The Honorable Naida L. Kaen, Chairman  
House Science, Technology, and Energy Committee  
Legislative Office Building, Room 304  
Concord, NH 03301

Re: HB 303-FN relative to motor vehicle emissions and motor vehicle idling

Dear Chairman Kaen and Members of the Committee:

The Department of Environmental Services (DES) is pleased to offer testimony in support of House Bill 303, which would establish limitations on idling of motor vehicles that are enforceable statewide by any law enforcement official.

Motor vehicles are the primary source of emissions of smog-forming pollutants and greenhouse gases in the state. While the state and the federal government have made great strides in reducing vehicle emissions, a certain amount of emissions are unavoidable when a vehicle is in use. What are entirely avoidable are vehicle emissions that are the result of unnecessary idling.

Existing DES administrative rules<sup>1</sup> limit idling of motor vehicles, with certain exceptions. However, DES does not have authority to issue citations (i.e., "tickets") in the field if a violation is observed. We use the same administrative enforcement procedures that are used for stationary sources such as power plants, factories, etc. This is a very cumbersome process and is not intended for minor violations such as idling vehicles.

DES has relied primarily on education and outreach to encourage compliance with the idling limitations in its rules. While we have had a great deal of success with this approach, particularly with school transportation providers, there are still many instances in which motorists engage in unnecessary idling. By placing idling limitations in state statute, we believe that any law enforcement official in the state will be able to enforce the limitation, thereby enhancing the protection of New Hampshire citizens from exposure to harmful and unnecessary pollutants.

In 2005, the Environmental Protection Agency (EPA), in response to concerns expressed by the trucking industry over inconsistent state anti-idling laws, hosted a series of workshops across the country designed to "(1) Develop a model state idling law for states to consider adopting that would foster greater compliance through common

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<sup>1</sup> NH Code of Administrative Rules Chapter Env-A 1100

understanding of the requirements and ease of implementation; and (2) Raise awareness among the trucking industry, states, and environmental groups about each other's needs. For example, states and environmental groups want diesel emission reductions, and truck drivers want to rest comfortably and drive safely." Participants included state air and transportation agencies, representatives from the trucking industry and law enforcement officials.

State idle reduction regulations, including New Hampshire's, served as a starting point for discussion at the workshops. Five workshops were held across the country including one in Hartford, CT. Participants had an opportunity to discuss the provisions of these regulations, add or modify them, and generally improve the framework of them. The outcome of the workshops was a model state idling law that represents the majority views expressed at the workshops<sup>2</sup>.

The language in House Bill 303 is based on the model state idling law, with certain minor revisions, such as exempting law enforcement vehicles from the requirements (most law enforcement agencies already reduce idling to the maximum amount they are able due to budget concerns). HB 303 also maintains the exemptions for passenger buses, trucks with sleeper berths, and trucks waiting to load and unload longer than the model rule language, recognizing the New Hampshire does not yet have any electrified truck stops or widespread adoption of idling reduction retrofit equipment in the vehicles operating in the state. Under existing state and federal programs it is anticipated that adoption of such technologies will expand in the state to a point that would justify the termination of these exemptions by 2013.

While the provisions of House Bill 303 differ slightly from DES's administrative rules, DES supports use of the model idling rule language and would synchronize the administrative rule language with the statutory language if it is enacted.

Thank you again for the opportunity to comment on HB 1524. Please call me at 271-2958 or Rebecca Ohler, Supervisor of the Mobile Source Section, at 271-6749 or [rebecca.ohler@des.nh.gov](mailto:rebecca.ohler@des.nh.gov) if you have any questions or would like further information.

Sincerely,



Thomas S. Burack  
Commissioner

cc: Rep. Gene Andersen

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<sup>2</sup> EPA Document 420-S-06-001, April 2006, Model State Idling Law  
<http://www.epa.gov/SmartwayLogistics/documents/420s06001.pdf>